



**CITY OF HAYWARD**  
**AGENDA REPORT**

AGENDA DATE 11/25/03

AGENDA ITEM 4

WORK SESSION ITEM \_\_\_\_\_

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT:** Authorization for City Manager to Execute the Revised Alameda Countywide Clean Water Program Memorandum of Agreement

**RECOMMENDATION:**

It is recommended that City Council adopt the attached resolution approving the proposed revisions and authorizing the City Manager to execute the revised Agreement to implement the Alameda Countywide Clean Water Program.

**BACKGROUND:**

In 1991 the cities in Alameda County, Alameda County, the Alameda County Flood Control and Water Conservation District (District), and Zone 7 of the District adopted the Agreement to Implement the Alameda County Urban Runoff Clean Water Program. This Agreement created the Alameda Countywide Clean Water Program (ACCWP) as a method for the parties to the Agreement to apply for the required municipal stormwater National Pollutant Discharge Elimination System (NPDES) permit and to work collaboratively in implementing a number of the permit's requirements that could be done more cost-effectively as a group. The current version of the NPDES permit was reissued in February 2003.

The Agreement was amended in 1998 and 2001. The 1998 amendment established a minimum cost and voting share of 1 percent for the three smallest cities, and it made some other minor adjustments in how cost and voting shares are calculated. The 2001 amendment to the Agreement extended the Agreement's expiration date until April 2008 with an additional automatic renewal until 2013 if there is no objection.

The ACCWP Management Committee is recommending that each of the parties to the Agreement adopt a third amendment to the Agreement.

**DISCUSSION:**

The third amendment to the Agreement will accomplish the following three objectives:

1. Improve equity by making some minor changes in allocations of the ACCWP's costs and voting shares.

This will be accomplished by allocating a 1 % cost share each to the District and Zone 7. These agencies benefit from jointly undertaken NPDES permit-required tasks, but the current Agreement does not assign them a share of the cost to support these tasks. In addition, if Zone 7 becomes a paying member, they will then be given a Management Committee vote. The amendment will allow a reduction in the cost shares of the municipalities located within the District and Zone 7, allocated according to the cities' relative cost contributions.

This will have a small positive impact on Hayward, as our share will be reduced by 0.15%.

2. Improve efficiency and flexibility of the ACCWP's operations by allowing parties to the Agreement under certain circumstances to let and administer consultant contracts.

This objective will be achieved by giving all parties the right to let and administer consultant contracts, under limited circumstances, and upon Management Committee approval. The current Agreement allows only the District to do this.

This increased flexibility has the potential to positively impact all members including Hayward in the future if the local jurisdiction staff members take lead roles in ACCWP projects and need to utilize consultants.

3. Improve the clarity of the Agreement by cleaning up a number of minor changes to the Agreement to reflect current conditions.

This will be accomplished by eliminating the old name of the program and references to outdated permits, funding, and other commitments, and thus create a cleaned-up stand-alone Agreement.

This will not have an impact on the City of Hayward beyond the benefit of having a clearer document to refer to.

The amendment to the Agreement must be approved by the governing bodies of the Agreement's parties representing two-thirds or more of all of the allocated votes. A copy of the revised Agreement is available for review in the office of the City Clerk.

#### **SCHEDULE:**

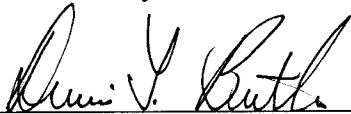
The Management Committee of the Alameda Countywide Clean Water Program has requested that the proposed amended agreement be approved by each participating agency by March 23, 2004.

Prepared by:



*for* Alex Ameri, Deputy Director of Public Works/Utilities

Recommended by:



Dennis L. Butler, Director of Public Works

Approved by:



Jesús Armas, City Manager

**DRAFT** NH 11/3/03

HAYWARD CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE CITY MANAGER  
TO EXECUTE AMENDMENTS TO THE INTER-  
AGENCY AGREEMENT TO IMPLEMENT THE  
ALAMEDA COUNTYWIDE CLEAN WATER PROGRAM

WHEREAS, the City of Hayward is a member agency of the Alameda Countywide Clean Water Program ("ACCWP"), formerly the Alameda County Urban Runoff Clean Water Program, and fully participates in the activities, benefits, duties and responsibilities of the ACCWP as reflected in the existing Agreement to Implement the Alameda Countywide Clean Water Program as approved in 1991 and amended in 1998 and 2001; and

WHEREAS, the City of Hayward is required to be permitted by an NPDES permit as prescribed by the Federal Clean Water Act with respect to discharges of storm water from its storm water drainage and collection system, and is currently included as a permittee under California Regional Water Quality Control Board, San Francisco Bay Region, Order R2-2003-0021 (NPDES Permit No. CAS 0029831); and

WHEREAS, on September 23, 2003 the Management Committee of the ACCWP unanimously adopted a motion approving revisions to the Agreement for adoption by member agencies intended 1) to improve equity by making minor changes in allocations of the ACCWP's costs and voting shares; 2) to improve efficiency and flexibility of the ACCWP's operations by allowing parties to the Agreement under certain limited circumstances to let and administer consultant contracts; and 3) to improve the clarity of the Agreement by cleaning up and making minor changes to the Agreement to reflect current conditions; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby approves the proposed revisions to the Agreement to Implement the Alameda Countywide Clean Water Program and authorizes the City Manager to execute said Agreement.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2003

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward